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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/259,361	02/26/1999	CLIFTON MALCOLM NOCK	RO998-203	5211

7590

07/17/2002

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EXAMINER

CHUONG, TRUC T

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/259,361

Applicant(s)

NOCK ET AL.

Examiner

Truc T Chuong

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 26 February 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by De Borst et al. (WO Patent No. 98/02813).

As to claim 16, Borst teaches (page 11 line 5 to page 14 line 31) datastream factory (Factory interface), identifier (FactoryType), datastream class instance (Stream Object), receive mechanism (Get Operation), object method (Get Operation). The device to Borst inherently has a signal bearing media.

As to claim 17, memory (repository, page 8 lines 1-8).

As to claim 18, transmission (TCP transporter, page 22 lines 13-29).

As to claim 19, datastream processing mechanism (Get, Put, Destroy, and Cancel Operations).

As to claim 20, datastream send mechanism (Put Operation).

As to claim 1, note the rejection of claim 16 above. Claim 1 additional includes a processor. Borst teaches a processor (CPU, page 6 lines 18-31).

As to claim 2, note the rejection of claim 19 above.

As to claim 3, note the rejection of claim 20 above.

As to claim 4, datastream identifies executable code (stream identifiers, page 25 lines 6-13). Borst also teaches "Streaming can occur in both directions" (page 27 line 27).

As to claim 5, note the rejection of claim 19 above.

As to claim 6, note the rejection of claim 4 above.

As to claim 7 is the same as claim 1 except claim 7 recites first and second computer and active datastream. Borst teaches multiple computers (pages 3-4), the first and second computer memory (claim 1, page 58, lines 4-26) and active datastream (stream identifiers, page 25 lines 6-13).

As to claim 8, note the rejection on claim 1 except claim 8 additional includes a network connection. Borst teaches "across a network" (pages 3-4, lines 26-7).

As to claims 9 and 10, note the rejection of claims 2 and 3 above.

As to claim 11 is the same as claim 7 except claim 11 recites the method for communicating. Borst clearly teaches the communicating method (delivering and receiving) between computers right in the abstract of his invention (page 1).

As to claim 12 note the rejection on claims 4 above.

As to claim 13, note the rejection on claim 16 above.

As to claim 14, note the rejection on claim 20 above.

As to claim 15, note the rejection on claims 1-4.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gartner et al. (US patent no. 5,822,521) teaches on col. 1 lines 49-55 and col. 6 lines 16-24

“Proxy”.

Cummins (US patent no. 5,819,281) teaches on col. 1 and 8 “Factory” and “Creating instance classes”.

Erich Gamma, Richard Helm, Ralph Johnson, John Vlissides (Design Patterns Elements of Reusable Object-Oriented Software) teach about “Abstract Factory” and “Factory Method.”

Khoyi et al. (US patents no. 5,339,413; 5,421,015 and 5,634,124) teaches “stream handler”, “Data residing”, “encapsulate”, “manipulate”, “executable code”, and “datastream”.


Rok Sosic (Dynascope: A Tool for Program Directing) teaches “the executable stream”.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 703-305-5753. The examiner can normally be reached on M-F 8:30 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alvin Oberley can be reached on 703-305-9716. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Truc T. Chuong



ST. JOHN COURTENAY III
PRIMARY EXAMINER

June 20, 2002